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SEP 22 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Jung-Chun TSENG**SERIAL NUMBER: **10/042,328**GROUP ART UNIT: **3764**FILED: **01/11/2002**FOR: **Transmission for a Swing Exerciser**EXAMINER: **DEMILLE, DANTON D**

(571) 273-8300

Attn: Office of Petitions

TRANSMITTAL COVER SHEET FOR RENEWED PETITION UNDER 37 CFR 1.181

Sir:

Transmitted herewith for filing are as the follows:

1. Renewed petition under 37 CFR 1.181 (2 pages);
2. Statement by local agent (2 pages);
3. Copies of docket records of Monthly Log Book for Mail Delivery from USPTO to P.O. Box 6-57 (6 pages);

Respectfully submitted,



Jung-Chun TSENG

Date: September 22, 2008

By:

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068 / FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

P.S. The transmission by facsimile containing 11 pages including the cover sheet.

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IN RE APPLICATION OF: **Jung-Chun TSENG**

SERIAL NUMBER: 10/042,328

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FOR: **Transmission for a Swing Exerciser**EXAMINER: **DEMILLE, DANTON D**

(571) 273-8300

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STATEMENT BY LOCAL AGENT

Dear Sir,

Further to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Fee(s) Due sent by my client Jung-Chun TSENG on October 23, 2007, I, Vincent LIN, the local agent who handled the incoming mail would like to make the statement as follows:

I hereby confirm that I, Vincent LIN, was at the correspondence address, P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail as a mail date of "May 02, 2006" in USPTO website-PAIR as well as the Notice of Abandonment which was supposed to mail as a mail date of "November 12, 2003" as indicated in the Decision on Petition of July 22, 2008.

I also declare that I was diligent in checking and handling the incoming mail routinely on every week and neither the Notice of Allowance and Fee(s) Due nor the Notice of Abandonment in question was not received from USPTO after a thorough search and investigation of the file jacket and the docket records have been done.

In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by our end (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communications are attached herewith for reference. Accordingly, it is obvious to be seen that failure to receive the official communications has great relations to the contracted courier TNT as highlighted in our petition statement dated October 23, 2007. Also, same condition happened to applications 10/685596,

10/681897, 10/435463, 10/163551 and 10/205418, for which the aforementioned applications that were lapsed under the same circumstances had finally been granted after the submission of sufficient evidences to prove that I, the local agent, is innocent and should not be blamed for not timely responding to the official communications.

I hereby declare that I have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

SIGNED BY

The local agent who handled the mail delivery of the Office Communications:

Name: Vincent LIN

Signature: Vincent Lin

Date: September 22, 2008

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

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IN RE APPLICATION OF: **Jung-Chun TSENG**SERIAL NUMBER: **10/042,328**GROUP ART UNIT: **3764**FILED: **01/11/2002**FOR: **Transmission for a Swing Exerciser**EXAMINER: **DEMILLE, DANTON D**

(571) 273-8300

Attn: Office of Petitions

**PETITION TO REINSTATE APPLICATION DUE TO FAILURE TO RECEIVE
NOTICE OF ALLOWANCE AND FEE(S) DUE UNDER 37 C.F.R.1.181**

Dear Sir,

Further to my Petition to Withdraw Holding of Abandonment based on Failure to Receive Notice of Allowance and Fee(s) Due sent by fax, for which 2 pages of the journal report were being provided along with the previous petition, I hereby would like to emphasize that neither the aforementioned Notice of Allowance and Fee(s) Due nor the Notice of Abandonment mailed on November 12, 2003 was received until now.

I also confirm that the correspondence address was in fact at P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due and the Notice of Abandonment were supposed to mail in accordance with the mail date March 22, 2006 and November 12, 2003 respectively as indicated in USPTO website-PAIR.

According to the local agent at my correspondence address who would have checked and handled the office communication routinely on every week, a thorough search and investigation of the file jacket and docket records has been done indicating that the Notice of Allowance and Fee(s) Due as well as the Notice of Abandonment were not, in fact received from USPTO. Please check carefully copies of the docket records maintained by the local agent (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communication.

In view of the evidence adequately supported, grant of the petition and also re-mail of the Notice of Allowance and Fee(s) Due is respectfully requested.

I hereby declare that we have firsthand knowledge and all statement made herein are true and

that all statements made on information and belief are believed to be true.

SIGNED BY:

The applicant of the above referenced patent:

Name: Jung-Chun TSENG

Signature: 

Date: September 22, 2008

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Jungho, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: tipa.com@msa.hinet.net

MONTHLY JOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: July 2003

Taiwan Intellectual Property Agent Co., Ltd.

MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Date	Serial No.	Our Ref. No.	Remarks
38-463	X	Vincent	3/3	Dev	3/6	Filing Receipt	10/3/2015	4/2-0738	4/2-20066		
4	X						1		4/2-368	4/2-20056	
5	X								4/2-0615	4/2-20066	
5/2-63	X	Vincent	3/3	Dev	3/6				4/2-0739	4/2-20066	
11	X								4/2-368	4/2-20056	
3	X								4/2-0615	4/2-20066	
5	X								4/2-0739	4/2-20066	

MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: November 2005 Intellectual Property Agent Co., Ltd

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MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57Month/ Year: Dec. 2007 / Jan. On &

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Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
1/6/08 ~ 1/13/08	X	Vincent	1/4/08	James	1/6/08	Office Action	1/8/08, 150	40-0814 C763036		
	X							1/11/08 682034/		
	X	Vincent	1/10/08	Cleveland	1/16/08	Same Specification	1/26/08	42-0814 SK 2007		
	X							1/28/08 3400029		
	X	Vincent	1/10/08	Cleveland	1/16/08	Office Action	1/28/08, 38	40-0814 C70236		
	X							1/29/08 C70236		
	X	Vincent	1/10/08	Cleveland	1/16/08	Filing Receipt	1/31/08, 633	42-0814 C70236		
	X							1/31/08 C70236		
	X	Vincent	1/10/08	James	1/16/08	Notice of Allowance	1/31/08, 607	40-0814 C763036		
	X							1/31/08 C763036		
	X	Vincent	1/10/08	James	1/16/08	Filing Receipt	1/31/08, 163	40-0814 C70236		
	X							1/31/08 C70236		
	X	Vincent	1/10/08	James	1/16/08		1/31/08, 163	40-0814 C70236		
	X							1/31/08 C70236		

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Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
9/21~9/28	X	Urgent	22/63	Chen, S. S.	Tiling Receipt	9/21, 2008	10/665, 66	42-05749 87-05758	42-05749 87-05758	
	X						Notice Regarding Change of POA	42-05749, 330	42-05749 72008	
	X						Tiling Receipt	42-05749 CT 02082	42-05749 CT 02082	
	X						Assignment doc.	10/663, 669	42-05749 CT 02082	
	X						Office Action	10/657, 651	42-05749 CT 02082	
								10/653, 513	42-05749 CT 02082	
								10/651, 652	42-05749 CT 02082	
								10/515, 509	42-05749 CT 02082	
								10/330, 335	42-05749 CT 02082	

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MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57Month/ Year: December 2008

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
12/6~12/12	X	Vincent	12/6/08	James	12/6/08		File/ing Receipt	12/12/08	AB-0294 CC-02323	
	X						"		AB-0294 TG-02055	
12/13~12/19	X	Vincent	12/13/08	James	12/13/08		"	12/13/08	AB-0294 AV-0269	
	X						"	12/13/08	AV-0269	
12/20~12/26	X	Vincent	12/20/08	James	12/20/08		"	12/20/08	AB-0294 TG-02055	
	X						"	12/20/08	AB-0294 CT-02055	
12/27~1/3	X	Vincent	12/27/08	James	12/27/08		Office Return	01/01/09	AB-0294 CH-0132	
	X						"	01/01/09	AB-0294 CH-0132	
1/4~1/10	X	Vincent	1/4/09	James	1/4/09		File/ing Receipt	01/06/09	AB-0294 TG-02055	
	X						"	01/06/09	AB-0294 TG-02055	
1/11~1/17	X	Vincent	1/11/09	James	1/11/09		"	01/13/09	AB-0294 TG-02055	
	X						"	01/13/09	AB-0294 TG-02055	
1/18~1/24	X	Vincent	1/18/09	James	1/18/09		"	01/18/09	AB-0294 TG-02055	
	X						"	01/18/09	AB-0294 TG-02055	
1/25~1/31	X	Vincent	1/25/09	James	1/25/09		"	01/25/09	AB-0294 TG-02055	
	X						"	01/25/09	AB-0294 TG-02055	

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